

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Gilbert & Jones, Inc.
35 Peter Court
New Britain, Connecticut 06050

Attention: George Gilbert
President

Dear Mr. Gilbert:

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), hereby charges that, as described below, Gilbert & Jones, Inc. has violated the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1999)) (the Regulations),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1999)) (the Act).²

Facts constituting violations:

Charges 1-2

On two separate occasions, on or about July 12, 1994 and on or about February 5, 1995, Gilbert & Jones, Inc. exported U.S.-origin potassium cyanide to Taiwan without obtaining the validated licenses required by Section 772.1(b) of the former Regulations. Each of those exports is described more fully on the enclosed schedule, which is incorporated herein by reference. BXA alleges that, by exporting U.S.-origin commodities to any person or destination or for any use in violation of or contrary to the terms of the Act, or any regulation, order, or license issued

¹ The alleged violations occurred in 1994 and 1995. The regulations governing the violations at issue are found in the 1994 and 1995 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1994 and 1995)). Those regulations define the violations that BXA alleges occurred and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations establish the procedures that apply to this matter.

² The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), August 13, 1998 (3 C.F.R., 1998 Comp. 294 (1999)), and August 10, 1999 (64 Fed. Reg. 44101 (August 13, 1999)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)).



thereunder, Gilbert & Jones, Inc. violated Section 737.6 of the former Regulations in connection with both shipments, for a total of two violations.

Accordingly, Gilbert & Jones, Inc. is hereby notified that an administrative proceeding is instituted against it pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of \$10,000 per violation (see Section 764.3(a)(1) of the Regulations);

Denial of export privileges (see Section 764.3(a)(2) of the Regulations); and/or

Exclusion from practice before BXA (see Section 764.3(a)(3) of the Regulations).

Copies of relevant Parts of the Regulations are enclosed.

If Gilbert & Jones, Inc. fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter as provided in Section 766.6 of the Regulations, that failure will be treated as a default under Section 766.7 of the Regulations.

Gilbert & Jones, Inc. is further notified that it is entitled to an agency hearing on the record as provided by Section 13(c) of the Act and Section 766.6 of the Regulations, if a written demand for one is filed with its answer. Gilbert & Jones, Inc. is also entitled to be represented by counsel, and to seek a settlement of the charges.

Pursuant to an Interagency Agreement between BXA and the U.S. Coast Guard, the U.S. Coast Guard is providing administrative law judge services, to the extent that such services are required under the Regulations, in connection with the matters set forth in this letter. Accordingly, Gilbert & Jones, Inc.'s answer should be filed with the U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022, in accordance with the instructions in Section 766.5(b) of the Regulations. In addition, a copy of the answer should be served on BXA at the address set forth in Section 766.5(b), adding "ATTENTION: Lorie B. Whitaker, Esq." below the address. Ms. Whitaker may be contacted by telephone at (202) 482-5311.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Enclosures

GILBERT AND JONES, INC.

SCHEDULE OF EXPORT VIOLATIONS

CHARGE NUMBER	DATE OF EXPORT (on or about)	COMMODITY	DESTINATION	BILL OF LADING
1	07/12/94	Potassium Cyanide	Taiwan	040035
2	02/05/95	Potassium Cyanide	Taiwan	ZNA238766

E639-4

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

In the Matter of:)
)

GILBERT & JONES, INC.)

35 Peter Court)

New Britain, Connecticut 06050,)
)

Respondent)

SETTLEMENT AGREEMENT

This Agreement is made by and between Gilbert & Jones, Inc. and the Bureau of Export Administration, United States Department of Commerce, pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1999)) (the Regulations),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1999)) (the Act).²

¹ The alleged violations occurred in 1994 and 1995. The Regulations governing the violations at issue are found in the 1994 and 1995 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1994 and 1995)). Those Regulations define the violations that BXA alleges occurred and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the restructured Regulations establish the procedures that apply to this matter.

² The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), August 13, 1998 (3 C.F.R., 1998 Comp. 294 (1999)), and August 10, 1999 (64 Fed. Reg. 44101 (August 13, 1999)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)).

WHEREAS, the Office of Export Enforcement, Bureau of Export Administration (BXA), has notified Gilbert & Jones, Inc. of its intention to initiate an administrative proceeding against it pursuant to the Act and the Regulations, based on allegations that, on two separate occasions, on or about July 12, 1994 and on or about February 5, 1995, Gilbert & Jones, Inc. exported U.S.-origin potassium cyanide to Taiwan without obtaining the validated licenses required by Section 772.1(b) of the former Regulations, in violation of Section 787.6 of the former Regulations;

WHEREAS, Gilbert & Jones, Inc. has reviewed the proposed Charging Letter and is aware of the allegations made against it and the administrative sanctions that could be imposed against it if the allegations are found to be true; it fully understands the terms of this Settlement Agreement and the proposed Order; it enters into this Settlement Agreement voluntarily and with full knowledge of its rights, and it states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, Gilbert & Jones, Inc. neither admits nor denies the allegations contained in the proposed Charging Letter;

WHEREAS, Gilbert & Jones, Inc. and BXA wish to settle and dispose of all matters alleged in the proposed Charging Letter by entering into this Settlement Agreement; and

E639-6

3

WHEREAS, Gilbert & Jones, Inc. agrees to be bound by an appropriate Order giving effect to the terms of this Settlement Agreement, when entered (appropriate Order);

NOW THEREFORE, Gilbert & Jones, Inc. and BXA agree as follows:

1. BXA has jurisdiction over Gilbert & Jones, Inc., under the Act and the Regulations, in connection with the matters alleged in the proposed Charging Letter.

2. BXA and Gilbert & Jones, Inc. agree that the following sanction shall be imposed against Gilbert & Jones, Inc. in complete settlement of the alleged violations of the Act and the former Regulations set forth in the proposed Charging Letter:

- a. Gilbert & Jones, Inc. shall be assessed a civil penalty in the amount of \$5,000, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the appropriate Order.
- b. As authorized by Section 11(d) of the Act, the timely payment of the civil penalty agreed to in paragraph 2a. is hereby made a condition to the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to Gilbert & Jones, Inc. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of Gilbert & Jones, Inc.'s, export privileges for a period of one year from

E639-7

4

the date of entry of the appropriate Order imposing the civil penalty.

3. Gilbert & Jones, Inc. agrees that, subject to the approval of this Settlement Agreement pursuant to paragraph 8 hereof, it hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Settlement Agreement or the appropriate Order, when entered), including, without limitation, any right (a) to an administrative hearing regarding the allegations in the proposed Charging Letter; (b) to request a refund of any civil penalty paid pursuant to this Settlement Agreement and the appropriate Order, when entered; and (c) to seek judicial review or otherwise to contest the validity of this Settlement Agreement or the appropriate Order, when entered.

4. BXA agrees that, upon entry of an appropriate Order, it will not initiate any administrative proceeding against Gilbert & Jones, Inc. in connection with any violation of the Act or the Regulations arising out of the transactions identified in the proposed Charging Letter.

5. Gilbert & Jones, Inc. understands that BXA will make the proposed Charging Letter, this Settlement Agreement, and the appropriate Order, when entered, available to the public.

6. BXA and Gilbert & Jones, Inc. agree that this Settlement Agreement is for settlement purposes only. Therefore, if this Settlement Agreement is not accepted and an appropriate Order is not issued by the Assistant Secretary for Export Enforcement

TOTAL P.06

E639-8

5


pursuant to Section 766.18(a) of the Regulations, BXA and Gilbert & Jones, Inc. agree that they may not use this Settlement Agreement in any administrative or judicial proceeding and that the parties shall not be bound by the terms contained in this Settlement Agreement in any subsequent administrative or judicial proceeding.

7. No agreement, understanding, representation or interpretation not contained in this Settlement Agreement may be used to vary or otherwise affect the terms of this Settlement Agreement or the appropriate Order, when entered, nor shall this Settlement Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the United States Government with respect to the facts and circumstances addressed herein.

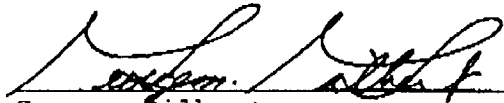
8. This Settlement Agreement shall become binding on BXA only when the Assistant Secretary for Export Enforcement approves it by entering an appropriate Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

BUREAU OF EXPORT ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

GILBERT & JONES, INC.


Mark Menefee
Director
Office of Export Enforcement

Date: 9/27/99


George Gilbert
President

Date: 9-15-99

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF EXPORT ADMINISTRATION
WASHINGTON, D.C. 20230

In the Matter of:)
)
GILBERT & JONES, INC.)
35 Peter Court)
New Britain, Connecticut 06050,)
)
Respondent)

ORDER

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified Gilbert & Jones, Inc. of its intention to initiate an administrative proceeding against it pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991 & Supp. 1999)) (the Act),¹ and the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (1999)) (the Regulations),² based on allegations that, on

¹ The Act expired on August 20, 1994. Executive Order 12924 (3 C.F.R., 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 C.F.R., 1995 Comp. 501 (1996)), August 14, 1996 (3 C.F.R., 1996 Comp. 298 (1997)), August 13, 1997 (3 C.F.R., 1997 Comp. 306 (1998)), August 13, 1998 (3 C.F.R., 1998 Comp. 294 (1999)), and August 10, 1999 (64 Fed. Reg. 44101 (August 13, 1999)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)).

² The alleged violations occurred in 1994 and 1995. The Regulations governing the violations at issue are found in the 1994 and 1995 versions of the Code of Federal Regulations (15 C.F.R. Parts 768-799 (1994 and 1995)). Those Regulations define the violations that BXA alleges occurred and are referred to hereinafter as the former Regulations. Since that time, the Regulations have been reorganized and restructured; the

two occasions, on or about July 12, 1994 and on or about February 5, 1995, Gilbert & Jones, Inc. exported U.S.-origin potassium cyanide to Taiwan without obtaining the validated licenses required by Section 772.1(b) of the former Regulations, in violation of Section 787.6 of the former Regulations; and

BXA and Gilbert & Jones, Inc. having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby BXA and Gilbert & Jones, Inc. have agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED,

FIRST, that Gilbert & Jones, Inc. shall pay a civil penalty of \$5,000, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.


SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C.A. §§ 3701-3720E (1983 & Supp. 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Gilbert & Jones, Inc. will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

restructured Regulations establish the procedures that apply to this matter.

THIRD, that, as authorized by Section 11(d) of the Act, the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, License Exception, permission, or privilege granted, or to be granted, to Gilbert & Jones, Inc. Accordingly, if Gilbert & Jones, Inc. should fail to pay the civil penalty in a timely manner, the undersigned will enter an Order under the authority of Section 11(d) of the Act denying all of Gilbert & Jones, Inc.'s export privileges for a period of one year from the date of entry of this Order.

FOURTH, that the proposed Charging Letter, the Settlement Agreement and this Order shall be made available to the public.

This Order is effective immediately.


F. Amanda DeBusk
Assistant Secretary
for Export Enforcement

Entered this 30th day of September, 1999.